



NOTICE TO ATTORNEYS
San Diego Superior Court
Probate Division

Effective January 1, 2007, new legislation requires Conservators and Guardians to take additional actions after their appointment. These required actions are noted below as a reminder of these new obligations, and will be enforced for all filings occurring on or after January 1, 2007. There will be various new accounting and investigative requirements effective July 1, 2007 as well. You may refer to www.leginfo.ca.gov for complete legislative information. If you have any questions regarding the actions required by new legislation, please contact your local probate office and a member of the staff will be happy to assist you.

Probate Code Section 1830(c) is effective January 1, 2007 and requires a newly appointed conservator to mail a copy of the Conservatorship Order along with an information notice regarding the rights of the conservatee to the conservatee and relatives. The form will not be available from the State until January 1, 2008. San Diego Superior Court will work with the Bar Association to draft an interim form, however you may wish to use pages 10-11 of the Conservatorship Handbook to draft a notice until a form is available. The handbook can be found at:

<http://www.courtinfo.ca.gov/selfhelp/additionalinfo/documents/conshand-chap1.pdf> .

These orders will be tracked for compliance at 90 days after appointment and you will need to appear on the 120th day if you have not complied with this new requirement.

Effective January 1, 2007, Probate Code Section 2610(a) requires the guardian or conservator to mail a copy of the Inventory and Appraisal along with a notice on how to file objections to persons listed in this new section. The form notice will not be available from the State until January 1, 2008. San Diego Superior Court will attempt to provide an interim notice, however you will be required to use your own wording within your "Proof of Service" until such interim notice can be drafted. This new requirement will be tracked for compliance at 90 days after appointment and you will need to appear on the 120th day if you have not complied with this code section.

Probate Code Section 2352 has been amended, effective January 1, 2007, to require mailing of the Change of Address form in guardianships and conservatorships. Persons entitled to notice must be given notice of a change in residence within 30 days of the change, and if the move results in the conservatee's or minor's removal from the personal residence, notice must be given 15 days before the change. Additionally, the Conservator will be required to file a "placement assessment determination" with the court within 60 days of appointment. This assessment must include the determinations outlined in new Probate Code Section 2352.5. These deadlines will be tracked for compliance at 90 days after appointment and you will be required to appear on the 120th day if you fail to comply with these requirements.

Probate Code Section 2620.2(a) is amended to shorten the time in which you must file accountings in Conservatorships and Guardianships. Effective January 1, 2007, you must file an accounting with the Probate Court at the end of the first year after appointment and at the end of each two-year end period in order to comply with the new provisions. The Probate Court will strictly enforce the compliance date, and Orders to Show Cause will be issued within 30 days of the end of the accounting period if, upon court review, it is found that an accounting has not been filed.